

Agricultural Advisory Committee Meeting Minutes
January 18, 2017

Attendees: Dennis Kamber, Dave Weitzer, Eddie Kuhlman, Patrick Jamison, Doug Lechliden, Pete Driscoll, Ben Allnutt, Michele Cropp, Aliza Fishbein, Eleanor Leak

Staff: Jeremy Criss, Josh Penn

Key: all “**BOLDED**” words are from original agenda

- 1. Meeting called to Order and Introductions.**
- 2. Approval of the November 15, 2016 AAC meeting minutes.**

(Lechliden/Cropp)

3. ZTA 16-02 Agricultural Zone-Transferable Development Rights Requirements:

The MNCPPC staff released a new draft ZTA in December 2016.

The comments are due back to MNCPPC on January 23, 2017.

The MCFB, AAC, APAB, and MAP will be providing comments on this draft ZTA.

After consulting with other ag groups in the County, Jeremy has received general approval of the ZTA. Others, including several members of the AAC (some of whom were not at this meeting) expressed disapproval of the ZTA. Josh Penn from P&P was present to answer questions. One concern members voiced was the change in terminology from farm tenant dwelling to farm labor housing unit. Jeremy was told by Tom Hartsock that the new term was introduced because it is common across the country. Pete asked if the name would be appropriate if the farm manager lived in the house. Jeremy said we need to be sure that Farm Labor and Farm Tenant are considered the same and a farm manager should be allowed to live in the dwelling.

Jeremy sent the AAC (in December) a legislative history of the use of the term farm tenant dwelling. Prior to 2014 it was an accessory dwelling for an ag worker working on the farm. At the same time, there was a footnote for accessory dwelling for agriculture workers for the purpose of meeting the same standards of other dwellings on the property (adequate ingress/egress, independent sewer and water, etc.). The reason for the new term’s introduction is that some farmers want to share septic/sewer between tenant dwellings and accessory dwellings (i.e. trailers). The idea is to pull it all into the definition of a farm tenant dwelling to include accessory dwelling for agricultural workers. The bigger goal was to not require a TDR for accessory dwellings, which has been achieved.

Josh asked the AAC what its priorities are as a group and what the individual members’ priorities are. He wants input, but asking members to prioritize it. He explained that there

are two groups, 1) one group said that the original interpretation is good, where the TDR is required, and 2) the other says they want to go back to pre-2014 where you don't need a TDR. Both sides have expressed that they want the Office of Agriculture involved. He added that changing the term will not change any existing easements. The only change is the covenant which says "we understand these are farm tenant dwellings," or something along those lines. Doug and Patrick agreed that this is pretty close to what the ag community had before and may be the best that we are going to get.

Jeremy explained that in Montgomery County, the assessment will determine the use. If property is ag assessed but in a residential zone it is still a farm. Then Office of Ag determines the ag operation and what they will do with the house that is on the property. Josh explained the purpose behind the change; so that if a bank from Florida is issuing a loan for a property, they can find it easily in a title search. Out of state banks are starting to not issue loans in the County anymore. There were two instances (not necessarily farms) where lots were illegally created, got loans, and when the bank wanted to foreclose they couldn't because the lots were not legal property. The covenant is intended to prevent future cases of abuse.

The AAC approved the composition of a letter to P&P staff (addressed to Josh) to support the ZTA (Lechliden/Kuhlman).

4. The OAG Farm Coloring Book:

The Office of Agriculture is developing a Montgomery County Farm Coloring Book that will be used as a farm promotion publication and a coloring book. Please let us know if you would like your farm to be included in this publication.

Extension had coloring books at the Ag Fair and others from USDA which were going like hotcakes! OAG has a new logo they will be revealing, and also purchasing additional items for promotion. Asking for anyone interested in having their farms listed; simply send in an electronic image of the farm which will be converted into coloring friendly format.

5. Bill 37-16 Taxation-Development Impact Tax-Transportation and Public Schools:

The County Council approved Bill 37-16 on November 15, 2016.

The Council approved a Resolution that contains the new tax rates.

Farm Tenant Dwellings are exempt from the Transportation Impact Tax=\$21,822.

The tax rate for Child lot=\$22,654.

The AAC sent a letter thanking the Council for exempting farm tenant dwellings.

The letter included how Frederick County exempts farm lots for both children and Grandchildren from their Development Impact Tax-David Gordon.

Hans Reimer responded with interest in learning when the tax is imposed.

The Council did approve the development impact tax. Farm Tenant Dwellings are exempt from the transportation improvements part of the tax. However, if you want to build a

child lot you'll still have to pay the full tax. Jeremy explained that the AAC gave the Council the Frederick County statute that exempts all farm lots including farm tenant, child and grandchild lots as part of their development impact tax. Hans Reimer responded, asking more about how the tax is imposed. The building permit determines the size of the structure and how the drawings are prepared. The impact tax is imposed when the use and occupancy permit is issued. Jeremy is going to follow up with Reimer about how Frederick's statute may be applied to Montgomery County.

6. The County Council elected Roger Berliner as the new Council President and Hans Reimer as the Council Vice President.

7. Montgomery County Farm Transition Estate and Planning Workshop:

Follow up from Doug Tregoning's workshop on Estate Planning

Jeremy asked the Nationwide representative there for links for all the publications that were handed out. He will disseminate to AAC and APAB. It was a good seminar on the different tools available for estate planning.

8. Doug Tregoning represented the MCBF at the State Bill Hearing on December 7, 2016. There were two local bills scheduled MC 10-17 (Reducing the Archery Safety Distance from 100 yards to 50 yards in the Urban Area) and MC 21-17 (Sunday Deer Hunting with start and end times).

ROCKVILLE: 240-777-6550

ANNAPOLIS (toll free): 301-261-2461

BILL NO: MC 10-17

DATE: December 7, 2016

**SUBMITTED BY: Chair on Behalf of
Morningstar**

CONTACT PERSON: Sara

Montgomery County Government

ASSIGNED TO: Montgomery Co. Delegation

POSITION: Support

**Montgomery County – Archery Hunting – Safety Zone
MC 10-17**

The current safety zone for archery hunting of deer in Montgomery County is 100 yards from a house, church, or other building, or a camp occupied by human beings. It was reduced to 100 yards from 150 yards in 2014. The 2016 recommendation would be to reduce the safety zone to 50 yards. Calvert, Carroll, Frederick, Harford and St. Mary's Counties have a 50-yard archery hunting safety zone. At least one jurisdiction requires that the hunting be done from a tree stand- the general practice for deer hunting with a bow is done from an elevated position.

Montgomery County – Sunday Hunting MC 21-17

<http://www.montgomerycountydelegation.com/MC21-17.html>

For the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on certain property during a certain time period on certain Sundays in Montgomery County, subject to certain provisions of law; establishing that the authority of the Department to allow deer hunting on certain Sundays does not apply in Montgomery County; making certain conforming changes; providing for the termination of this Act; and generally relating to Sunday deer hunting in Montgomery County.

On December 7, the County delegation conducted the state bill hearing on two bill specific to Montgomery County deer management. There are a total of four bills being considered. The first bill is to reduce the safety distance for archery hunting to apply county-wide. From 100 yards safety zone to 50 yards. Will help increase tools to manage deer in urban areas.

The second bill is a Sunday deer hunting bill, originally drafted for additional Sunday hunting like Frederick and Carroll Counties (all Sunday hunting). Del. David Frasier Hidalgo had a bill last year that didn't make it through the Ways and Means Committee to negotiate between the ag and equestrian communities about limiting times on Sundays. As a matter of courtesy to Del. Hidalgo, the County held off on the proposed bill that would allow all day Sunday hunting. The negotiations resulted in ½ hour before sunrise and ending by 10:30 am. The ag community is not in favor of this arrangement because we currently have three full days of Sundays for hunting and what we get in place of that may not be any more effective with the time restrictions on it. Doug Tregoning testified on behalf of the ag community and Bob Cissel on behalf of MAP.

Jeremy has not heard any updates on whether the parties have come to any new agreements. The Farm Bureau would ideally like Sunday afternoon hunting. The Equestrian community is opposed to that.

The other two bills we asked for were to add one more month for shotgun season for deer which currently ends in January (would like to the end of February). Note that Northern Virginia has through March 26.

9.Changes to the Deer Donation Program:

The OAG has modified the Deer Donation Program so hunters can now take deer to be donated to K & S Kuts 12415 Prices Distillery Road Damascus, MD and the County will pay for the processing costs. This will provide another location for deer to be donated in addition to drop off cold box in Poolesville.

Since 2004 OAG (formerly Ag Services) has administered a deer donation program. It started with one cold box and then two. The program pays for processing deer meat to venison and then donated to charity/people in need. Maintaining compressors is very expensive. DNR doesn't allow any tagged deer to spoil. Jeremy has revised the terms of an agreement to reduce the need to more than one cold box because of the ongoing expense of maintaining the compressors in cold box. K&S Kuts is in the center of the County-Damascus and any hunter/farmer can take deer directly to them and will run the expense through the County's contract.

10.MOUs between the County-OAG and the (MSCD and UM-Extension- The OAG staff has developed and revised the MOUs between the County Government and the (MSCD and UM-Extension). These MOUs are needed to memorialize the partnerships between the agricultural agencies including the County funding used to support the agricultural agencies.

OAG is in the process of establishing a Memorandum of Understanding with the Soil Conservation District and Extension. The District has been in place since 1945, and have never had any contract or MOU with the County. This will be the first time we memorialize all the funding we process on behalf of MSCD employees. It was presented to the District board last week and has gone through revisions. They are also updating an existing MOU between Extension and DED to be between Extension and OAG.

11.FY 18 Mandatory Savings Plan for the County OAG- In December 2016, the OAG was required to submit a 2% savings plan for the General Fund portion of the appropriation for FY18. Outlined below you will see the breakdown of how the 2% savings was applied to each of the agricultural agencies of the OAG.

MSCD	\$6,680		General Fund Operating Expenses
OAG	9,195		
UM-Extension	<u>4,055</u>		
Total	\$19,930	=	2% of the General Funds allocated to OAG

12.FY17 Second Quarter Analysis submitted to OMB January 12, 2017

The OAG was required to submit a second quarter analysis to the OMB that shows the current level of expenditures and the projected expenditures through the remainder of the Fiscal Year ending June 30, 2017. This analysis also required us to show projected salary lapse from vacant positions. The OAG will need direction from the MSCD on the process to fill the vacant MSCD Manager Position-David Plummer.

David Plummer has accepted a job in Howard County. He is the current Soil Conservation District Manager. He'll be doing the same job in Howard County. Jeremy developed a plan with the board of supervisors to recruit from within the building if possible. If not, it will open up to a larger group of people. *(please note the MSCD has decided to advertise the District Manager position more broadly.)*

Jeremy submitted a second quarter analysis identifying any savings from people who have left (salary lapse). So the longer David's position is vacant there are savings, but don't want to leave vacant so long that they abolish the position altogether.

13. Minimum Wage Bill 12-16 See Attachment

The OAG has prepared a one-page summary of the minimum wage amounts for the County, State of Maryland and the Federal Government.

Paula and Linda Lewis argue that this change in minimum wage will put ag out of business. Jeremy included a fact page in the agenda with a chart of the wages at the county, state, and federal levels. As of the day before the meeting, the Council the status of the Bill 12-16 is still pending. There are exemptions for agricultural workers at the state and federal level. That is defined as a function of how many people you have employed who work during a set period of time as defined by a quarter. The minimum wage doesn't apply to any employer of ag workers if you stay under 6.4 employees that work six days a week during a given quarter. If you have more than 6.4 employees working 6 days a week during the quarter the minimum wage applies to you EXCEPT that minimum wage doesn't apply to people under 19 (ex: working at a farm market to help bring product out).

Michele says this is a no-win situation. If we don't go along with this people will look at ag jobs as "less than" whereas if we do go along with it then we can't keep operating. Doug pointed out that if he has a turf farm business three miles from the county line with Howard County, he has a disadvantage from them. Dennis asked if there is a benefit tie in, but Doug clarified that "leave" issues were within a bill that has already passes.

Dennis asked Jeremy to do some research on other counties and their ag exemptions for not requiring minimum wage. He will pull some data together.

AAC decided write a letter to the Council that the FMLA, minimum wage, and paid sick leave act will put our employers at a disadvantage from employers of our neighboring states and counties. (Kuhlman/Driscoll)

14. Motion to Adjourn

(Kuhlman/Kamber)

Please note AAC meetings for 2017- March, and April will be on the 3rd Wednesdays of the month and not the 2nd Tuesdays.

February 15, 2017 Room D

March 15, 2017 Room D

April 19, 2017 Room D